

WILMERHALE

September 11, 2009

Peter K. Vigeland

**By Hand**

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The Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007-1312

Re: *Pension Committee of the University of Montreal Pension Plan et al. v. Banc of America Securities, LLC et al.*, 05-CV-09016 (SAS) (FM)

Dear Judge Scheindlin:

This firm, on behalf of defendant Banc of America Securities LLC ("BAS"), submits this letter to notify the Court of its withdrawal of its Motion to Stay the Second Cross Claim of Citco Fund Services (Curacao) N.V., ("CFS") filed on September 3, 2009. Most of the efficiencies gained by a stay of CFS's second cross claim no longer obtain following the Court's denial of BAS's motion for summary judgment on September 4, 2009. With that denial, BAS remains subject to the first cross claim asserted by CFS and to the identical cross claim asserted by the other Citco Defendants, all of which would have been dismissed had the Court granted BAS's motion for summary judgment. Counsel for CFS does not oppose BAS's withdrawal of the Motion to Stay.

BAS continues to urge that CFS's second cross claim be dismissed for failure to state a claim for negligence, as argued in its Motion to Dismiss, also filed on September 3, 2009.

Respectfully submitted,

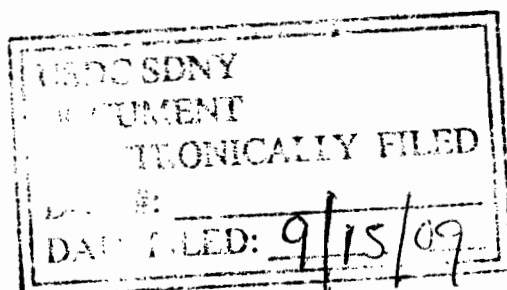


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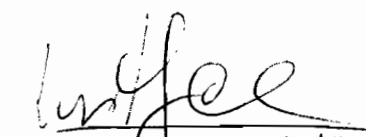
Defendant's request to withdraw  
its Motion to Stay the second  
Cross Claim of Cited Defendants  
is hereby granted. The clerk

cc: All Counsel of Record and *Pro Se* Parties (by electronic mail)

of the court is directed  
to close this motion (No 292)



Date: 9/15/09 SO ORDERED

  
Shira A. Scheindlin  
U.S. D.J.

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